

The Federal Election Campaign Act of 1971, referred to in subsec. (a)(2)(A), (C), is Pub. L. 92-225, Feb. 7, 1972, 86 Stat. 3, which was formerly classified principally to chapter 14 (§431 et seq.) of Title 2, The Congress, prior to editorial reclassification and renumbering in Title 52, Voting and Elections, and is now classified principally to chapter 301 (§30101 et seq.) of Title 52. Section 315 of this Act is now classified to section 30116 of Title 52. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 7323, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525, prohibited employee in Executive agency from requesting, receiving from, or giving to, an employee, a Member of Congress, or an officer of a uniformed service, a thing of value for political purposes and provided for removal from service of employee for violation, prior to the general revision of this subchapter by Pub. L. 103-94.

AMENDMENTS

2008—Subsec. (b)(2)(B)(i)(XIII). Pub. L. 110-417 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

2006—Subsec. (b)(3). Pub. L. 109-177 inserted “or National Security Division” after “Criminal Division”.

2004—Subsec. (b)(2)(B)(i)(XIV). Pub. L. 108-458 added subcl. (XIV).

2002—Subsec. (b)(2)(B)(i)(I). Pub. L. 107-252 inserted “or the Election Assistance Commission” after “Commission”.

2000—Subsec. (b)(2)(B)(ii). Pub. L. 106-554 substituted “5372a, or 5372b” for “or 5372a”.

1996—Subsec. (b)(2)(B)(i)(XIII). Pub. L. 104-201 substituted “National Imagery and Mapping Agency” for “Central Imagery Office”.

1994—Subsec. (b)(2)(B)(i)(XIII). Pub. L. 103-359 added subcl. (XIII).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 of Title 50, War and National Defense.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 3001 of Title 50, War and National Defense.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-252 effective upon appointment of all members of the Election Assistance Commission under section 20923 of Title 52, Voting and Elections, see section 21134(a) of Title 52.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the

Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

For transfer of authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, including the related functions of the Secretary of the Treasury, to the Department of Justice, see section 531(c) of Title 6, Domestic Security and section 599A(c)(1) of Title 28, Judiciary and Judicial Procedure.

§ 7324. Political activities on duty; prohibition

(a) An employee may not engage in political activity—

(1) while the employee is on duty;

(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(2) Paragraph (1) applies to an employee—

(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

(B) who is—

(i) an employee paid from an appropriation for the Executive Office of the President; or

(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

(Added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1003.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7324, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525; Pub. L. 93-268, §4(a), Apr. 17, 1974, 88 Stat. 87, prohibited Executive agency employees and employees of the District of Columbia from influencing elections or taking part in political campaigns, prior to the general revision of this subchapter by Pub. L. 103-94.

§ 7325. Political activity permitted; employees residing in certain municipalities

The Office of Personnel Management may prescribe regulations permitting employees, with-

out regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) and paragraph (2) of section 7323(b) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is—

(A) the District of Columbia;

(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

(C) a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

(Added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1004; amended Pub. L. 104-93, title III, §308, Jan. 6, 1996, 109 Stat. 966; Pub. L. 112-230, §3(f), Dec. 28, 2012, 126 Stat. 1617.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7325, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, §2(a)(44), Aug. 14, 1979, 93 Stat. 384, related to penalties, prior to the general revision of this subchapter by Pub. L. 103-94.

AMENDMENTS

2012—Par. (1). Pub. L. 112-230 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and”.

1996—Pub. L. 104-93 inserted “and paragraph (2) of section 7323(b)” after “section 7323(a)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-230 effective 30 days after Dec. 28, 2012, see section 5(a) of Pub. L. 112-230, set out as a note under section 1501 of this title.

§ 7326. Penalties

An employee or individual who violates section 7323 or 7324 shall be subject to—

(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

(2) an assessment of a civil penalty not to exceed \$1,000; or

(3) any combination of the penalties described in paragraph (1) or (2).

(Added Pub. L. 112-230, §4, Dec. 28, 2012, 126 Stat. 1617; amended Pub. L. 115-91, div. A, title X, §1097(k)(1), Dec. 12, 2017, 131 Stat. 1626.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7326, added Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1004, related to penalties, prior to repeal by Pub. L. 112-230, §4, Dec. 28, 2012, 126 Stat. 1617.

Another prior section 7326, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526, authorized nonpartisan political activities, prior to the general revision of this subchapter by Pub. L. 103-94.

A prior section 7327, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96-54, §2(a)(14), (15), Aug. 14, 1979, 93 Stat. 382; Pub. L. 97-468, title VI, §615(b)(1)(E), Jan. 14, 1983, 96 Stat. 2578, related to permitted political activity in certain municipalities where employees reside, prior to the general revision of this subchapter by Pub. L. 103-94.

A prior section 7328, added Pub. L. 96-191, §8(e)(1), Feb. 15, 1980, 94 Stat. 33, exempted employees of the General Accounting Office from provisions of this subchapter, prior to the general revision of this subchapter by Pub. L. 103-94.

AMENDMENTS

2017—Pub. L. 115-91 amended section generally. Prior to amendment, text read as follows: “An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT; APPLICABILITY

Pub. L. 115-91, div. A, title X, §1097(k)(2), Dec. 12, 2017, 131 Stat. 1626, provided that: “The amendment made by paragraph (1) [amending this section] shall apply to any violation of section 7323 or 7324 of title 5, United States Code, occurring after the date of enactment of this Act [Dec. 12, 2017].”

EFFECTIVE DATE; APPLICABILITY

Section effective 30 days after Dec. 28, 2012, see section 5(a) of Pub. L. 112-230, set out as an Effective Date of 2012 Amendment note under section 1501 of this title.

Pub. L. 112-230, §5(b), Dec. 28, 2012, 126 Stat. 1617, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 [enacting this section and repealing former section 7326 of this title] shall apply with respect to any violation occurring before, on, or after the effective date of this Act [see above].

“(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

“(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

“(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.”

SUBCHAPTER IV—FOREIGN GIFTS AND DECORATIONS

Editorial Notes

AMENDMENTS

1967—Pub. L. 90-83, §1(45)(A), Sept. 11, 1967, 81 Stat. 208, substituted “FOREIGN GIFTS AND DECORATIONS” for “FOREIGN DECORATIONS” in subchapter heading.